

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 44.

AN ACT to make further provision for the Administration of Lands reserved or taken under the provisions of "The New Zealand Settlements Act 1863."

Titl.

[10th October 1867.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Confiscated Lands Act 1867."

Short Title.

2. In any case in which under "The New Zealand Settlements Act 1863" as amended by "The New Zealand Settlements Act 1864" and "The New Zealand Settlements Amendment and Continuance Act 1865" and "The New Zealand Settlements Acts Amendment Act 1866" hereinafter referred to as the said Acts the Compensation Court shall have refused to award compensation or shall have awarded less compensation than may have been claimed or than may appear to the Governor to be just and reasonable it shall be lawful for the Governor from time to time as he shall think fit by proclamation in the *New Zealand Gazette* to reserve out of lands taken under the said Acts or any of them such lands as to him shall seem fit for the purpose of compensating such persons of the several hapu or tribes whom he shall consider to be entitled to land by way of compensation or for whom he shall consider the same necessary by way of provision and out of such lands so reserved to grant such portion or portions thereof as he shall think fit to any such person or persons aforesaid or by warrant under his hand to set apart such portion or portions as he may think fit of such lands for the benefit of any such persons as aforesaid.

Governor may make reserves in confiscated land and grant thereout lands as compensation to persons to whom Compensation Court has not awarded compensation or sufficient compensation.

3. It shall also be lawful for the Governor from time to time as he shall think fit by proclamation in the *New Zealand Gazette* to reserve out of the lands taken under the said Acts or out of lands which by "The East Coast Land Titles Investigation Act 1866" and "The East Coast Land Titles Investigation Act Amendment Act 1867" it is provided shall be deemed to be Crown lands such lands as to him shall seem fit and thereout to grant such portion or portions thereof as he shall think fit to such person or persons of the Native race as he shall think deserving and shall appear to him to have acted in the preservation of peace and order and in suppressing the rebellion or by warrant under his hand to set apart out of the lands so reserved as last aforesaid such portion or portions thereof as he shall think fit for the benefit of any such person or persons of the Native race as last mentioned.

Power to make reserves for friendly Natives.

Confiscated Lands.

Power to make reserves for surrendered rebels.

4. It shall be lawful for the Governor from time to time as he shall think fit by proclamation in the *New Zealand Gazette* to reserve out of lands taken under the said Acts or out of lands which by the said two last-mentioned Acts are to be deemed to be Crown lands such lands as to him shall seem fit and thereout to grant such portion or portions thereof as he shall think fit to such person or persons of the Native race as shall be proved to his satisfaction to have been in rebellion and have subsequently submitted to the Queen's authority or by warrant under his hand to set apart out of the lands so reserved as last aforesaid such portion or portions thereof as he shall think fit for the benefit of any such person or persons as last aforesaid.

Subdivision of land granted or set apart for such persons to be made by Native Land Court.

5. In any case where lands under the provisions contained in the second third or fourth sections of this Act have been granted to more persons than one or have been set apart for the benefit of more persons than one it shall be lawful for the Governor by warrant under his hand to refer the subdivision of such land to the Native Land Court and such court shall effect a partition of such land in the manner provided by "The Native Lands Act 1865" and "The Native Lands Act 1867" and such subdivision shall be made by the said court whether a Crown Grant of the land shall have been made or not and in cases where lands have only been set apart for the benefit of any such persons as aforesaid under the Governor's warrant and no grant has been made the court shall proceed as if a grant had been issued containing or subject to such restrictions limitations and conditions (if any) as are specified in such warrant.

Grants &c. may be made subject to conditions restrictions or limitations.

6. Any grant which the Governor is hereby authorized to make may be made subject to such conditions restrictions and limitations he may think fit And wherever the Governor shall under any of the provisions of this Act by warrant under his hand set apart any land for the benefit of any person or persons of the Native race he may either in the same or in a subsequent warrant specify what if any conditions restrictions or limitations shall be attached to the grant thereof when made.

Out of confiscated lands reserves may be made for sites for schools for Native race or generally for all inhabitants of Colony and for endowment of educational institutions.

7. It shall be lawful for the Governor from time to time as he shall think fit by proclamation in the *New Zealand Gazette* to reserve out of lands taken under the said Acts or out of land which by the said two last-mentioned Acts it is provided shall be deemed to be Crown lands such lands as he may think fit as sites for buildings for educational purposes for the Native race or as sites for buildings for educational purposes for the inhabitants of the Colony generally and also out of such lands to make reserves for the endowment of educational institutions already or hereafter to be established in the Colony Provided that such lands so reserved as sites for buildings for educational purposes for the inhabitants of the Colony generally or for the endowment of educational institutions shall be reserved generally for such purposes and not as the site of or for the endowment of any special building or institution but such reserves shall be maintained as reserves for such purposes subject to be appropriated to special purposes by any Act or Acts of the General Assembly to be hereafter passed.

Governor may declare parts of confiscated lands to be subject to Waste Land law of the Province in which they lie.

8. It shall be lawful for the Governor by proclamation published in the *New Zealand Gazette* to proclaim and declare that any lands taken under the said Acts or out of lands which by the said two last-mentioned Acts it is provided shall be deemed to be Crown lands and defined in such proclamation and not theretofore granted or agreed to be granted or reserved or set apart under any law now or hereafter to be in force shall from and after a day to be appointed in such proclamation be and be deemed to be Waste Lands of the Crown within the meaning of any Act or Ordinance or regulation regulating the sale of Waste Lands of the Crown in the Province within which

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such lands are situate and for the time being in force and from and after the day so appointed such lands shall be sold occupied and disposed of and dealt with in the manner provided by such Act Ordinance or regulation and not in the manner provided by "The New Zealand Settlements Act 1863" or any Act amending the same or "The East Coast Lands Titles Investigation Act 1866" and any Act amending the same And the proceeds arising from the sale or other disposition of any such land so proclaimed shall be land revenue and subject to the provisions of any Act or Acts passed or to be passed appropriating the revenue arising from the sale or other disposition of Crown lands in the Province in which such land lies Provided that such charges as shall be specified in any such proclamation shall be first charges upon the proceeds of any lands to which such proclamation applies Provided also that any such proclamation may be made subject to such exceptions or reservations as the Governor shall think fit and any such exception or reservation of land from the operation of such proclamation may be made in such general terms as the Governor shall think fit and without defining the boundaries of the land so excepted or reserved.

9. It is hereby declared and enacted that the lands conveyed by a certain Crown Grant bearing date the eighth day of July one thousand eight hundred and sixty-five to the Superintendent of Auckland and by him surrendered to Her Majesty by deed dated the seventh day of January one thousand eight hundred and sixty-seven are and shall be deemed to be vested in Her Majesty and that so much of the said land as shall not have been sold or contracted to be sold by the Superintendent of Auckland prior to the execution of the deed of surrender shall be deemed to be Crown land subject to the provisions of "The New Zealand Settlements Act 1863" and "The New Zealand Settlements Amendment Act 1864" and "The New Zealand Settlements Amendment and Continuance Act 1865" and "The New Zealand Settlements Acts Amendment Act 1866" and this Act as if the same had not been granted to the Superintendent of Auckland Provided however that it shall be lawful for the Governor after such surrender shall have been made to Her Majesty to execute Crown Grants of such portions of the said block as have at any time prior to the execution of the said deed of surrender been sold or contracted to be sold to the purchaser or purchasers thereof.

Tuakau Block
declared to be subject
to New Zealand
Settlements Acts.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government by GEORGE DIDSBUY, Government Printer.